

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1274 of 2025

Arising Out of PS. Case No.-538 Year-2024 Thana- ALOULI District- Khagaria

-
-
1. Pandav Kumar Yadav @ Pandav Kumar Son of Ratis Yadav @ Ratish Yadav R/o- Buchai Tola, P.S.- Bahadurpur Dist -Khagaria
 2. Shusheela Devi @ Sulekha Devi Wife of Rambabu Yadav R/o- Buchai Tola, P.S.- Bahadurpur Dist -Khagaria
 4. Prashant Kumar Yadav @ Mulayam Pd @ Prashant Kumar. Son of Late Navdeep Yadav R/o- Buchai Tola, P.S.- Bahadurpur Dist -Khagaria
 5. Lalbabu Yadav @ Vidhan Kumar Son of Late Navdeep Yadav R/o- Buchai Tola, P.S.- Bahadurpur Dist -Khagaria
 6. Chandrashekhar Yadav@ Chandrashekhar Kumar Son of Ratish Yadav R/o- Buchai Tola, P.S.- Bahadurpur Dist -Khagaria

... .. Appellants.

Versus

1. The State of Bihar.
2. Ram Daras Ram Son of Madan Ram Resident of Village/Mohalla- Buchai Tola, Ward No.-01, P.S.- Bahadurpur, Distt.-Khagaria

... .. Respondents.

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar Singh, Advocate Mr. Prabhat Kumar, Advocate Mr. Ashutosh Kumar, Advocate
For the Respondent/s	:	Mrs.Usha Kumari-1, Special P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State but in spite of putting appearance on behalf of respondent no.2 none is present on his behalf. It is informed that on earlier occasion also none had appeared on behalf of respondent no.2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 24.02.2025 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Khagaria in connection with Alauli P.S. Case No. 538 of 2025 registered under Sections 126 (2), 115 (2), 109, 303 (2), 117 (2), 308 (3), 76, 351 (3), 351 (2) and 3(5) of the B.N.S. and Section 3(1) (r) (1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The case of the prosecution case is that the appellants along with eight to ten other accused persons entered into the house of the informant with deadly weapons, hurled caste based abuses and assaulted by means of Garasa and spade.

4. It is submitted by learned counsel for the appellants that it would be evident from the first information report that the occurrence had taken place either inside the house of the informant or in the house of the appellants, hence there is no question of public view and the provisions of SC/ST Act would not apply. It is further submitted that there is long standing land dispute between the parties, who are next door neighbours and the first information report has been lodged with general and omnibus allegation. Further, there is delay of three days in lodging the case without assigning any plausible



explanation for the said delay which creates serious doubt about the prosecution case. It is further submitted that the injuries suffered by the injured persons are all simple in nature, except one, which is grievous, but the same is at ankle, which is non-vital part of the body, hence no offence under Section 109 of the B.N.S. is made out against the appellants.

5. Learned Special Public Prosecutor for the State opposed the prayer for anticipatory bail on the basis of the allegations made in the first information report.

6. Considering the fact that the occurrence has taken place inside the house and not in public view, the provisions of SC/ST Act, *prima facie* do not seem to be attracted.

7. Taking into consideration the facts and circumstances of the case and also considering that there is long standing land dispute between the parties, who are next door neighbours, coupled with the fact that there is delay of three days in lodging the F.I.R., the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to



the satisfaction of the learned 1stAddl. Sessions Judge cum Special Judge (SC/ST Act), Khagaria in connection with Alauli P.S. Case No.538 of 2024, subject to the condition as laid down under Section 482 (2) of the BNSS, subject to further condition that the appellants will cooperate in the investigation/trial of the case.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Soni Shrivastava, J)

Trivedi/-

U		T	
---	--	---	--

